

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**JAMES M. PLASSE**

**Plaintiff,**

**vs.**

**TYCO ELECTRONICS  
CORPORATION,**

**Defendant.**

**Civil Action No. 04-CV-30056-MAP**

**TYCO ELECTRONICS CORPORATION’S MOTION: (1) FOR LEAVE TO FILE A  
REPLY TO PLAINTIFF’S OPPOSITION TO RENEWED MOTION TO DISMISS AND  
(2) TO EXTEND DATE FOR FILING OF SUMMARY JUDGMENT MOTION**

Tyco Electronics Corporation (“TEC”) hereby moves the Court (1) for leave to file a Reply to Plaintiff’s Opposition to TEC’s Renewed Motion to Dismiss and (2) to extend the date for the filing of TEC’s summary judgment motion.

TEC’s Reply Memorandum in Support of Motion to Dismiss serves several purposes. First, TEC’s Reply addresses Plaintiff’s claim that the computer files he now admits he deleted were “manifestly irrelevant.” Second, it addresses Plaintiff’s claim that TEC’s expert has “exonerated” him of discovery misconduct. Third, it summarizes all of the evidence of fraud on the Court by Plaintiff, so that the Court can readily understand the factual basis for TEC’s Motion to Dismiss. TEC believes that this Reply will assist the Court in resolving the pending Motion to Dismiss, and respectfully asks the Court to consider the attached Reply.

TEC also moves to have the current date for the filing of TEC’s summary judgment motion (October 31, 2005) extended and rescheduled, if necessary, until after TEC’s Motion to Dismiss is decided. The Court has scheduled a hearing on TEC’s Motion to Dismiss for

November 16, 2005. Should the Court grant TEC's Motion to Dismiss, TEC's summary judgment motion will be unnecessary. Thus, in order to avoid the expense of a Motion for Summary Judgment that may be unnecessary, as well as the Court's time considering such a potentially unnecessary motion, TEC requests that a new date for the filing of the Summary Judgment motion be established, if necessary, after the Motion to Dismiss is decided.

Respectfully submitted,

TYCO ELECTRONICS CORPORATION,

By its attorneys:

/s/ Jeffrey D. Clements

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**CERTIFICATE OF SERVICE**

I, Jeffrey D. Clements, hereby certify that a copy of the foregoing document was served electronically to counsel of record for the plaintiff on October 7, 2005.

/s/ Jeffrey D. Clements

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Jeffrey D. Clements

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

I, Jeffrey D. Clements, hereby certify that counsel conferred with opposing counsel, Maurice Cahillane, Esq. by e-mail correspondence on October 7, 2005 concerning the above motion and opposing counsel stated that plaintiff does not oppose the motion.

/s/ Jeffrey D. Clements

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Jeffrey D. Clements